

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SRINIVASAN

Serial No.: 09/517,613

Filed: MARCH 2, 2000

Confirmation No.: 4139

Atty. File No.: 42059-01010

For: "SYSTEM AND METHOD FOR AUTOMATED DOWNLOAD OF

MULTIMEDIA FILES"

Group Art Unit: 2143

Examiner: DAVID E. ENGLAND

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON NOVEMBER 3, 2003

MARSH FISCHMANN-8-BREYFOGLE, LI

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TERRI BELICH

SUBMISSION OF DECLARATION UNDER CFR 1.131

MAIL STOP: RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313 RECEIVED

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Technology Center 2100

Dear Sir:

Enclosed with the accompanying Request for Continued Examination is this Submission of Declaration Under CFR 1.131 and a Declaration Under 37 CFR 1.131. A Final Office Action was mailed on June 2, 2003. A previous one-month extension of time was requested and paid for in a second Response to Final Office Action mailed September 3, 2003. A request for a second month of time extension is hereby made, extending the time period to respond to November 3, 2003. The enclosed check no. 5321 represents payment of the two-month extension fee (\$420), less the one-month fee (\$110), totaling \$320, plus the RCE fee of \$770, for

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02 FC:1252 03 FC:9998 310.00 OP 10.00 OP a total of \$1,090. If any additional fees are deemed necessary for time extensions or the filing of this RCE, please charge the same to Deposit Account No. 50-1419.

The Applicant hereby requests that the Eyal reference (U.S. Pat. No. 6,389,467) be removed as a prior art reference against this patent application based on prior invention by the Applicant. Specifically, the Declaration establishes conception of the invention prior to the effective date of the reference, coupled with due diligence from prior to said date to the filing of the Application.

Both the Invention Disclosure Form prepared in February 1999 (located at Tab 1 of the Declaration) and the initial draft of the patent application sent to the inventor in December 1999 evidence conception of the invention prior to the Eyal provisional filing date. Diligence is established during the critical period from January 24, 2000 to March 2, 2000 by the activities of the patent attorney, Kenneth J. Johnson, and the inventor. Particularly, Mr. Johnson mailed a draft of the application in late December of 1999 to the inventor. The inventor returned his comments back to Mr. Johnson and Mr. Johnson submitted a marked-up copy of the application on February 9, 2000 to his Word Processing Dept. for return to him on February 10, 2000. Between February 10, 2000 and February 21, 2000, Mr. Johnson arranged for formal documents to be prepared and mailed these to the inventor, along with a second draft of the application, on February 21, 2000. The inventor signed the formal documents on February 28, 2000 and returned them to Mr. Johnson. On March 2, 2000, Mr. Johnson filed the subject patent application.

As can be seen, the invention that is the subject of this patent application was conceived prior to the Eyal provisional filing date and diligence has been established during the critical period from the Eyal provisional filing date to the filing date of the subject application.

Accordingly, it is hereby requested that the Eyal reference be removed as prior art against this patent application. It is now respectfully submitted that the application is in condition for allowance and such action is hereby requested.

Date: November 3, 2003

Respectfully submitted,

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